

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Yahia M. Abushaqra,

Civil No. 05-1924 (DWF/FLN)

Petitioner,

v.

ORDER

United States of America,

Respondent.

Yahia M. Abushaqra, *Pro Se*, counsel for Petitioner.

Tricia A. Tingle, Assistant United States Attorney, United States Attorney's Office, counsel for Respondent.

This matter is before the Court upon Petitioner's objections to Magistrate Judge Franklin L. Noel's Report and Recommendation dated August 31, 2005, recommending that Petitioner's application for habeas corpus relief under 28 U.S.C. § 2241 be dismissed for lack of jurisdiction.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of the parties, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.1(c).

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Petitioner's objections (Doc. No. 4) to Magistrate Judge Franklin L. Noel's Report and Recommendation dated August 31, 2005, are **DENIED**.

2. Magistrate Judge Franklin L. Noel's Report and Recommendation dated August 31, 2005 (Doc. No. 3) is **ADOPTED**.

3. Petitioner's application for habeas corpus relief under 28 U.S.C. § 2241 (Doc. No. 1) is **DISMISSED** for lack of jurisdiction.

Dated: September 21, 2005

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court